IN THE SUPREME COURT OF THE STATE OF HAWAI'I

SIONE LOLOHEA, Petitioner/Petitioner-Appellant

vs.

STATE OF HAWAI'I, Respondent/Respondent-Appellee

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (S.P.P. NO. 02-1-002K)

ORDER DENYING APPLICATION FOR WRIT OF CERTIORARI

(By: Acoba, J., for the court¹)

The Application for Writ of Certiorari filed on December 16, 2004 by Petitioner/Petitioner-Appellant Sione Lolohea is hereby denied as untimely.

DATED: Honolulu, Hawai'i, December 22, 2004.

Associate Justice

David H. Lawton for petitioner/petitioner-appellant, on the writ.

 $^{^{\}rm 1}$ Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.